

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JACQUELINE L. POSEY,	)	CASE NO. C04-2168-RSL
	)	
Plaintiff,	)	
	)	
v.	)	
	)	ORDER RE: PLAINTIFF'S MOTION
JO ANNE B. BARNHART, Commissioner	)	FOR AN AWARD OF ATTORNEY'S
of Social Security,	)	FEES
	)	
Defendant.	)	
_____	)	

Plaintiff filed documents in support of an award of \$22,818.45 in attorney's fees under 42 U.S.C. § 406(b). (Dkt. 28.) Defendant offered no objection to the request provided that plaintiff's counsel agrees to remit to plaintiff a \$8366.55 award previously received under the Equal Access to Justice Act (EAJA). (Dkt. 30.) In reply, plaintiff objects to defendant's response as untimely and clarifies that the total amount sought already takes into account the previous EAJA award, as well as an award for administrative fees. (Dkt. 31.)

The Court finds itself unable to rule upon plaintiff's request for attorney's fees at this time.

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<sup>1</sup> This contention is not well taken given that, among other things, plaintiff failed to properly note the motion in accordance with Local Civil Rule 7(d)(3).

01 Plaintiff refers in the reply to the content of the motion for attorney's fees. ( *See* Dkt. 31 at 2.)  
02 However, a review of the docket in this case reveals two entries of a declaration in support of  
03 plaintiff's motion for attorney's fees, with no corresponding motion. (*See* Dkt. 28.) The Court  
04 requires a copy of the actual motion from plaintiff in order to rule on the request. In addition, the  
05 Court is unable to determine from the documents now before the Court the basis for either  
06 plaintiff's request or defendant's qualified response. The Court, therefore, also requires additional  
07 explanation of the parties' positions before ruling on this request. In particular, plaintiff should  
08 submit an itemization of time spent and a description of services rendered. Defendant should  
09 specify which time entries or services are objected to and, if the requested hourly rate is disputed,  
10 should suggest a rate that is reasonable.

11 It is therefore ORDERED:

12 (1) Plaintiff shall renew the motion for attorney's fees with all necessary documents  
13 and information on or before **June 1, 2006**. Defendant shall submit a response no later than  
14 **June 12, 2006**. Plaintiff may file a reply no later than **June 16, 2006** and plaintiff's motion is  
15 hereby renoted for consideration as of that date.

16 (2) The Clerk shall send copies of this Order to the parties and to the Hon. Robert S.  
17 Lasnik.

18 DATED this 23rd day of May, 2006.

19  
20   
21 Mary Alice Theiler  
22 United States Magistrate Judge